

# Exhibit A

## Radu Lelutiu

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**From:** Radu Lelutiu  
**Sent:** Monday, April 21, 2014 3:16 PM  
**To:** 'Anderson, Bryan K.'; Unikel, Robert (NON-SIDLEY PERSONNEL); Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)  
**Cc:** ContentGuard Counsel  
**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Bryan:

We do not agree that "all sufficient source code" is in any way unclear, but in the interest of putting this matter to bed we agree to the removal of "all." That said, as noted in my email, our position continues to be that our obligation to amend our infringement contentions is triggered only when "sufficient source code" is produced as to each element that require source code review. In other words, we will not amend our contentions every time Defendants produce source code that may be sufficient for some, but fewer than all, elements as to which source code review is required. If, in light of the language of the Discovery Order, Defendants view ContentGuard's obligations to amend differently, please let me know. If that is the case, we may have to note our disagreement and have the Court resolve it.

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Anderson, Bryan K. [mailto:bkanderson@sidley.com]  
**Sent:** Monday, April 21, 2014 3:00 PM  
**To:** Radu Lelutiu; Unikel, Robert (NON-SIDLEY PERSONNEL); Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan;

Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Radu,

The difficulty we discussed was language that would appear to require “all” source code. We offered “sufficient” as an alternative to “pertinent” in order to avoid the word “all.” Sufficient (“having or providing as much as is needed”) is broader than pertinent (“relating to the thing that is being thought about or discussed”) but less than “all” (“the whole, entire, total amount, quantity, or extent of”). All and sufficient together do not resolve the issue we discussed, and combined they make the requirement less clear. Please confirm that we can use the term “sufficient” sans “all”.

Regards

*Bryan K. Anderson*  
*Sidley Austin LLP*  
*1001 Page Mill Road*  
*Building 1*  
*Palo Alto, CA 94304*  
*(650) 565-7007*

---

**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Monday, April 21, 2014 11:49 AM

**To:** Anderson, Bryan K.; Unikel, Robert (NON-SIDLEY PERSONNEL); Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Bryan:

As I explained on Thursday, we want to avoid a situation where we will have to amend our contentions every time Defendants produce source code that may be sufficient for some, but not all, elements as to which source code review is required. That is why we wanted to keep the “all” modifier, to make clear that the clock starts ticking when “all sufficient source code” is produced. I recall an objection to the “all pertinent source code” language, and a request to change “pertinent” to “sufficient,” but not to the adjective “all” itself. Please let me know if you’re ok with “all sufficient source code.”

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Anderson, Bryan K. [<mailto:bkanderson@sidley.com>]

**Sent:** Monday, April 21, 2014 2:35 PM

**To:** Radu Lelutiu; Unikel, Robert (NON-SIDLEY PERSONNEL); Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Radu,

I had thought the "all" was a typo, as I am not sure what "all sufficient" means. As we discussed Thursday, the concept that "all pertinent" source code must be produced is not tenable for ContentGuard to provide contentions. We proposed "sufficient" (not "all sufficient") as language that should capture what is necessary. If you think "all sufficient" is something different from "sufficient" please explain that difference.

On deadlines, I suggest we go forward with the dates we exchanged and agreed to last week, and if any party wants to further discuss them, we may do so.

*Bryan K. Anderson  
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1001 Page Mill Road  
Building 1  
Palo Alto, CA 94304  
(650) 565-7007*

---

**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Monday, April 21, 2014 11:23 AM

**To:** Anderson, Bryan K.; Unikel, Robert (NON-SIDLEY PERSONNEL); Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Bryan:

You are asking us to agree to the removal of "all" from "all sufficient source code" in section 12. We view that as a substantive change, but will get back with you promptly.

As to our requested change, I apologized for the timing, but it is a very small ask. If the timing of the request is the only thing that is getting in the way, we are agreeable to modifying that deadline by separate agreement. Please let me know.

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Anderson, Bryan K. [<mailto:bkanderson@sidley.com>]

**Sent:** Monday, April 21, 2014 2:13 PM

**To:** Radu Lelutiu; Unikel, Robert (NON-SIDLEY PERSONNEL); Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen; Alison G. Wheeler; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Radu,

I do not understand the basis for your comment about "particularly given that Defendants are asking us to make a substantive modification to the Discovery Order, which we thought had been agreed to late Friday". We held our meet and confer Friday, you sent back edits, I identified typos, and I think we have agreement on the discovery order. Please advise immediately if we do not.

On the DCO, we did have agreement Friday. Given the many defendants your client decided to pursue in one action, changing such agreements on the day a filing is due is not prudent.

Regards,

*Bryan K. Anderson  
Sidley Austin LLP  
1001 Page Mill Road  
Building 1  
Palo Alto, CA 94304*

(650) 565-7007

---

**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Monday, April 21, 2014 10:36 AM

**To:** Unikel, Robert (NON-SIDLEY PERSONNEL); Anderson, Bryan K.; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Rob:

I am surprised by Defendants' refusal to consent to what should have been an uncontroversial change, particularly given that Defendants are asking us to make a substantive modification to the Discovery Order, which we thought had been agreed to late Friday. The joint claim construction statement ought to be finalized more than seven days prior to the deadline for the opening claim construction briefs because, to prepare the opening briefs, we need clarity on the parties' respective constructions.

Please reconsider your position and let me know promptly.

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Unikel, Robert [<mailto:Robert.Unikel@kayescholar.com>]

**Sent:** Monday, April 21, 2014 1:17 PM

**To:** Radu Lelutiu; Anderson, Bryan K.; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S

(NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy; Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Radu,

As I your proposed date changes would impact upon both the Amazon Action and the separate Google Action, I am responding to your proposed date change for both cases. Ultimately, I don't see why the date change you propose is necessary or appropriate (particularly at this late stage of our discussions). Thus, both Google and the Amazon Action defendants do NOT consent to the change; we would like the P.R. 4-3 Joint Claim Construction Statement deadline to remain on November 14, as the parties previously agreed.

Rob

**Robert W Unikel**

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---

**From:** Radu Lelutiu [<mailto:rlelutiu@McKoolSmith.com>]

**Sent:** Monday, April 21, 2014 11:16 AM

**To:** Anderson, Bryan K.; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Malecek, Michael; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederroth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Unikel, Robert; Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy; Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Apologies for the late notice, but in looking at the DCO deadlines it struck us that it makes a lot more sense to have the P.R. 4-3 Joint Claim Construction Statement deadline on November 7, which is 2 weeks before the deadline for the opening claim construction brief, rather than November 14. Do Defendants consent to that change?

Radu A. Lelutiu

McKool Smith P.C.

(212) 402-9443

---

**From:** Anderson, Bryan K. [<mailto:bkanderson@sidley.com>]

**Sent:** Monday, April 21, 2014 11:46 AM

**To:** Radu Lelutiu; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY



PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Michael J Malecek ; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederroth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Unikel, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

**Importance:** High

Radu,

Attached are proposed edits to the Discovery Order to address (1) the different formatting of text and a missing period in 5(d); (2) line spacing in 5(f); (3) remove "all" from "allsufficient" in 12.

I am waiting to hear back from the other defendants concerning any further edits. Assuming there are none, your proposed cover motions look fine to me.

Regards,

*Bryan K. Anderson*  
*Sidley Austin LLP*  
*1001 Page Mill Road*  
*Building 1*  
*Palo Alto, CA 94304*  
*(650) 565-7007*

---

**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Monday, April 21, 2014 7:21 AM

**To:** Anderson, Bryan K.; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Michael J Malecek ; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederroth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Unikel, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google



I've taken another look at the Court's Order setting the Scheduling Conference, and I see that we are required to file two separate motions. Attached are drafts of the motions. Please let us know if we have your permission to file.

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Radu Lelutiu

**Sent:** Friday, April 18, 2014 8:23 PM

**To:** 'Anderson, Bryan K.'; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Michael J Malecek ; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederroth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Unikel, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

A draft joint motion to enter the DCO and Discovery Order is attached. Please let me know if this is acceptable to Defendants.

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Anderson, Bryan K. [<mailto:bkanderson@sidley.com>]

**Sent:** Friday, April 18, 2014 6:45 PM

**To:** Radu Lelutiu; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Michael J Malecek ; Barta, Michael (NON-SIDLEY PERSONNEL)

PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Unikel, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Radu,

This is fine. Please circulate filing versions of the DCO and Discovery Orders for final review.

Have a good weekend.

*Bryan K. Anderson  
Sidley Austin LLP  
1001 Page Mill Road  
Building 1  
Palo Alto, CA 94304  
(650) 565-7007*

---

**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Friday, April 18, 2014 2:50 PM

**To:** Anderson, Bryan K.; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Michael J Malecek ; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederoth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Unikel, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Bryan:

The language you are proposing is acceptable, with one modification – see below (addition underlined and in red). The addition is intended to account for the fact that there was also a litigation with ZTE in Germany, as well as a DJ action commenced by ZTE in San Diego (which has since been dismissed). Let me know if the addition is acceptable.

Privilege: No party is required to include in a privilege log documents created after December 17, 2013 except as provided under Local Rule 3-

7. ContentGuard is not required to include in a privilege log attorney-client privileged communications between ContentGuard and its counsel of record in the ZTE litigation<sup>s</sup> and Inter Partes Reviews concerning the patents-in-suit.

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Anderson, Bryan K. [<mailto:bkanderson@sidley.com>]

**Sent:** Friday, April 18, 2014 3:52 PM

**To:** Radu Lelutiu; Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ; Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Michael J Malecek ; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederroth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Unikel, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

**Importance:** High

Radu,

Please let me know if the following language on privilege logs addresses your client's concern:

Privilege: No party is required to include in a privilege log documents created after December 17, 2013 except as provided under Local Rule 3-

7. ContentGuard is not required to include in a privilege log attorney-client privileged communications between ContentGuard and its counsel of record in the ZTE litigation and Inter Partes Reviews concerning the patents-in-suit.

*Bryan K. Anderson  
Sidley Austin LLP  
1001 Page Mill Road  
Building 1  
Palo Alto, CA 94304  
(650) 565-7007*

---

**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Friday, April 18, 2014 8:35 AM

**To:** Thane, Josh (NON-SIDLEY PERSONNEL); Abby M. Mollen ; Alison G. Wheeler ;

Gardner, Allen F. (NON-SIDLEY PERSONNEL); Brad Bowling (NON-SIDLEY PERSONNEL); Craft, Brian (NON-SIDLEY PERSONNEL); Anderson, Bryan K.; Pritikin, David T.; Findley, Eric Hugh (NON-SIDLEY PERSONNEL); Summers, Glen (NON-SIDLEY PERSONNEL); Gregory Blake Thompson; Ian Chen (NON-SIDLEY PERSONNEL); J. Mark Mann; Elacqua, James (NON-SIDLEY PERSONNEL); Chiu, Jay (NON-SIDLEY PERSONNEL); Kushan, Jeffrey P.; Doan, Jennifer (NON-SIDLEY PERSONNEL); John S. Torkelson; Kat Hacker (NON-SIDLEY PERSONNEL); Krellner, Kelly; Kelly, Lisa (NON-SIDLEY PERSONNEL); Schwab, Mairead (NON-SIDLEY PERSONNEL); Smith, Melissa Richards (NON-SIDLEY PERSONNEL); Jones, Michael E. (NON-SIDLEY PERSONNEL); Michael J Malecek ; Barta, Michael (NON-SIDLEY PERSONNEL); Greenblatt, Nathan; Siorta, Neil (NON-SIDLEY PERSONNEL); Wied, Peter (NON-SIDLEY PERSONNEL); Cederroth, Richard A.; Maier, Robert (NON-SIDLEY PERSONNEL); Unikel, Robert (NON-SIDLEY PERSONNEL); Partridge, Scott (NON-SIDLEY PERSONNEL); Smith, S (NON-SIDLEY PERSONNEL); Garnett, Terry (NON-SIDLEY PERSONNEL); Chao, Timothy (NON-SIDLEY PERSONNEL); Yip, Vincent (NON-SIDLEY PERSONNEL); William Casey (NON-SIDLEY PERSONNEL); Keysor, Deanna (NON-SIDLEY PERSONNEL)

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Attached is a new draft of the Discovery Order, which hopefully brings us closer to agreement on the outstanding issues. We look forward to your feedback.

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Josh Thane [<mailto:jthane@haltomdoan.com>]

**Sent:** Thursday, April 17, 2014 3:48 PM

**To:** Radu Lelutiu; Abby M. Mollen ; Alison G. Wheeler ; Allen F. Gardner; Bradley Bowling; Brian Craft; Bryan Anderson; David T. Pritikin; Eric H. Findlay; Glen E. Summers ; Gregory Blake Thompson; Ian Chen ; J. Mark Mann; James Joseph Elacqua ; Jay Chiu; Jeff Kushan; Jennifer Doan; John S. Torkelson; Katherine Hacker ; Kelly A. Krellner ; Lisa Catherine Kelly; Mairead Schwab ; Melissa Richards Smith ; Michael E. Jones; Michael J Malecek ; Michael J. Barta; Nathan A. Greenblatt; Neil P. Sirota; Peter J. Wied ; Richard A. Cederroth ; Robert L. Maier; Robert W Unikel ; Scott F Partridge ; Sheria Dranise Smith ; Terrence D. Garnett ; Timothy K Chao ; Vincent Yip; William Casey ; Keysor, Deanna

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Radu:

Looks like we will probably need to discuss the proposed discovery order, so we will plan on talking to you at 4pm CT.

Thanks,  
Josh

---

**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Thursday, April 17, 2014 12:29 PM

**To:** Josh Thane; Abby M. Mollen ; Alison G. Wheeler ; Allen F. Gardner; Bradley Bowling; Brian Craft; Bryan Anderson; David T. Pritikin; Eric H. Findlay; Glen E. Summers ; Gregory Blake Thompson; Ian Chen ; J. Mark Mann; James Joseph Elacqua ; Jay Chiu; Jeff Kushan; Jennifer Doan; John S. Torkelson; Katherine Hacker ; Kelly A. Krellner ; Lisa Catherine Kelly; Mairead Schwab ; Melissa Richards Smith ; Michael E. Jones; Michael J Malecek ; Michael J. Barta; Nathan A. Greenblatt; Neil P. Sirota; Peter J. Wied ; Richard A. Cederroth ; Robert L. Maier; Robert W Unikel ; Scott F Partridge ; Sheria Dranise Smith

; Terrence D. Garnett ; Timothy K Chao ; Vincent Yip; William Casey ; Keysor, Deanna

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Apologies, I've made an additional edit to the new section we added concerning representative device/source code stipulations.

Radu A. Lelutiu

McKool Smith P.C.

(212) 402-9443

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**From:** Radu Lelutiu

**Sent:** Thursday, April 17, 2014 1:20 PM

**To:** 'Josh Thane'; Abby M. Mollen ; Alison G. Wheeler ; Allen F. Gardner; Bradley Bowling; Brian Craft; Bryan Anderson; David T. Pritikin; Eric H. Findlay; Glen E. Summers ; Gregory Blake Thompson; Ian Chen ; J. Mark Mann; James Joseph Elacqua ; Jay Chiu; Jeff Kushan; Jennifer Doan; John S. Torkelson; Katherine Hacker ; Kelly A. Krellner ; Lisa Catherine Kelly; Mairead Schwab ; Melissa Richards Smith ; Michael E. Jones; Michael J Malecek ; Michael J. Barta; Nathan A. Greenblatt; Neil P. Sirota; Peter J. Wied ; Richard A. Cederroth ; Robert L. Maier; Robert W Unikel ; Scott F Partridge ; Sheria Dranise Smith ; Terrence D. Garnett ; Timothy K Chao ; Vincent Yip; William Casey ; Keysor, Deanna

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Josh:

Our edits on the draft Discovery Order are attached. We accepted all your edits, so what you will see in tracked changes are only our additions and modifications.

Once you review, please let me know if you still want to talk at 4 pm.

Thanks,

Radu

Radu A. Lelutiu

McKool Smith P.C.

(212) 402-9443

---

**From:** Josh Thane [<mailto:jthane@haltomdoan.com>]

**Sent:** Thursday, April 17, 2014 11:58 AM

**To:** Radu Lelutiu; Abby M. Mollen ; Alison G. Wheeler ; Allen F. Gardner; Bradley Bowling; Brian Craft; Bryan Anderson; David T. Pritikin; Eric H. Findlay; Glen E. Summers ; Gregory Blake Thompson; Ian Chen ; J. Mark Mann; James Joseph Elacqua ; Jay Chiu; Jeff Kushan; Jennifer Doan; John S. Torkelson; Katherine Hacker ; Kelly A. Krellner ; Lisa Catherine Kelly; Mairead Schwab ; Melissa Richards Smith ; Michael E. Jones; Michael J Malecek ; Michael J. Barta; Nathan A. Greenblatt; Neil P. Sirota; Peter J. Wied ; Richard A. Cederroth ; Robert L. Maier; Robert W Unikel ; Scott F Partridge ; Sheria Dranise Smith ; Terrence D. Garnett ; Timothy K Chao ; Vincent Yip; William Casey ; Keysor, Deanna

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Thanks. We will review and get back to you.

Josh

---

**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Thursday, April 17, 2014 10:05 AM

**To:** Josh Thane; Abby M. Mollen ; Alison G. Wheeler ; Allen F. Gardner; Bradley Bowling; Brian Craft; Bryan Anderson; David T. Pritikin; Eric H. Findlay; Glen E. Summers ; Gregory Blake Thompson; Ian Chen ; J. Mark Mann; James Joseph Elacqua ; Jay Chiu; Jeff Kushan; Jennifer Doan; John S. Torkelson; Katherine Hacker ; Kelly A. Krellner ; Lisa Catherine Kelly; Mairead Schwab ; Melissa Richards Smith ; Michael E. Jones; Michael J Malecek ; Michael J. Barta; Nathan A. Greenblatt; Neil P. Sirota; Peter J. Wied ; Richard A. Cederoth ; Robert L. Maier; Robert W Unikel ; Scott F Partridge ; Sheria Dranise Smith ; Terrence D. Garnett ; Timothy K Chao ; Vincent Yip; William Casey ; Keysor, Deanna

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Josh:

Attached are our proposed edits to the DCO. As you will see, we didn't have a lot of changes.

I will send you our comments on the Discovery Order shortly, and then we can decide whether the 4 pm CT call is needed.

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
(212) 402-9443

---

**From:** Josh Thane [<mailto:jthane@haltomdoan.com>]

**Sent:** Tuesday, April 15, 2014 6:36 PM

**To:** Radu Lelutiu; Abby M. Mollen ; Alison G. Wheeler ; Allen F. Gardner; Bradley Bowling; Brian Craft; Bryan Anderson; David T. Pritikin; Eric H. Findlay; Glen E. Summers ; Gregory Blake Thompson; Ian Chen ; J. Mark Mann; James Joseph Elacqua ; Jay Chiu; Jeff Kushan; Jennifer Doan; John S. Torkelson; Katherine Hacker ; Kelly A. Krellner ; Lisa Catherine Kelly; Mairead Schwab ; Melissa Richards Smith ; Michael E. Jones; Michael J Malecek ; Michael J. Barta; Nathan A. Greenblatt; Neil P. Sirota; Peter J. Wied ; Richard A. Cederoth ; Robert L. Maier; Robert W Unikel ; Scott F Partridge ; Sheria Dranise Smith ; Terrence D. Garnett ; Timothy K Chao ; Vincent Yip; William Casey ; Keysor, Deanna

**Cc:** ContentGuard Counsel

**Subject:** RE: ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Counsel:

Attached are revised drafts of the proposed Docket Control Order and Discovery Order in the *ContentGuard v. Amazon* action. We have included both a clean and redline copy for ease of reference. If ContentGuard has additional proposed edits, please provide those edits in redline format to the clean draft of each document.

In compliance with Judge Gilstrap's order setting the scheduling conference, we merged the proposed discovery order with the sample order provided by the court and included Defendants' proposals in the appropriate sections. If there were additional sections in the draft circulated by ContentGuard that are not in the attached draft discovery order, then the section was intentionally omitted.

All defendants have not signed off on these drafts just yet, so there may be some additional minor edits from the defendants. However, we don't anticipate any drastic changes.

Please let us know if ContentGuard has any additional edits or if we have agreement on these documents. If we need to have a formal meet and confer, Defendants propose a call no later than Thursday.

Thanks,  
Josh

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**From:** Radu Lelutiu [<mailto:rlulutiu@McKoolSmith.com>]

**Sent:** Thursday, April 10, 2014 5:41 PM

**To:** Abby M. Mollen ; Alison G. Wheeler ; Allen F. Gardner; Bradley Bowling; Brian Craft; Bryan Anderson; David T. Pritikin; Eric H. Findlay; Glen E. Summers ; Gregory Blake Thompson; Ian Chen ; J. Mark Mann; James Joseph Elacqua ; Jay Chiu; Jeff Kushan; Jennifer Doan; John S. Torkelson; Josh Thane; Katherine Hacker ; Kelly A. Krellner ; Lisa Catherine Kelly; Mairead Schwab ; Melissa Richards Smith ; Michael E. Jones; Michael J Malecek ; Michael J. Barta; Nathan A. Greenblatt; Neil P. Sirota; Peter J. Wied ; Richard A. Cederoth ; Robert L. Maier; Robert W Unikel ; Scott F Partridge ; Sheria Dranise Smith ; Terrence D. Garnett ; Timothy K Chao ; Vincent Yip; William Casey

**Cc:** ContentGuard Counsel

**Subject:** ContentGuard v. Amazon.com, Inc., et al; ContentGuard v. Google

Counsel:

Pursuant to the Court's instructions, attached are drafts of the (1) Docket Control Order; (2) Discovery Order; (3) ESI Agreement; and (4) Protective Order. At your convenience, please provide us written feedback on these documents so that we may begin the required meet-and-confer process.

Thanks,  
Radu

Radu A. Lelutiu  
McKool Smith P.C.  
One Bryant Park, 47th floor  
New York, NY 10036  
212-402-9443 (ph)  
212-402-9444 (fax)

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